

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

LEVI GREENUP

CIVIL ACTION NO. 13-0392

VERSUS

JUDGE ROBERT G. JAMES

CHAD LEE, ET AL.

MAG. JUDGE JAMES D. KIRK

RULING

Pending before the Court is a Motion for Partial Summary Judgment [Doc. No. 96] filed by Defendants Captain Gerald McMurray, Deputy William Hunter Guimbellot, and Deputy Arlandus White, seeking dismissal of Plaintiff Levi Greenup's ("Greenup") claims against them.¹ On November 24, 2014, Magistrate Judge James D. Kirk issued a Report and Recommendation [Doc. No. 108] in which he recommended that the Court grant the motion in part and deny the motion in part. On December 8, 2014, Defendants filed objections [Doc. No.109] to the Report and Recommendation. Greenup did not file a response to Defendants' objections.

Having reviewed and considered the entire record in this record, including Defendants' objections, the Court hereby ADOPTS the Report and Recommendation of Magistrate Judge Kirk and GRANTS IN PART and DENIES IN PART Defendants' Motion for Partial Summary Judgment with the following exception.

The Report and Recommendation did not address Defendants' argument that Greenup's claims for injunctive relief should be denied and dismissed as moot. The Court agrees with Defendants. In the prayer for relief in his Complaint, Greenup claims that he is seeking injunctive relief. [Doc. No. 1, p. 7]. However, any claim for injunctive relief was mooted by his

¹Defendant Warden Chad Lee did not move for summary judgment.

transfer out of the Franklin Parish Detention Center (“FPDC”). *See, e.g., Oliver v. Scott*, 276 F.3d 736, 741 (5th Cir. 2002) (noting the “transfer of a prisoner out of an institution often will render his claims for injunctive relief moot”); *Herman v. Holiday*, 238 F.3d 660, 665 (5th Cir. 2001) (holding plaintiff’s transfer from the allegedly offending facility to another facility “rendered his claims for declaratory and injunctive relief moot”).

In this case, Greenup is not currently housed at FPDC and has not demonstrated a probability or a reasonable expectation that he will be transferred back to the FPDC. Thus, Greenup’s claims for injunctive relief are MOOT and will be DISMISSED WITH PREJUDICE.

MONROE, LOUISIANA, this 20th day of February, 2015.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE